

FIRST REGULAR SESSION

HOUSE BILL NO. 81

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 12, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0597L.011

AN ACT

To repeal section 577.017, RSMo, and to enact in lieu thereof one new section relating to alcohol-related traffic offenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 577.017, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.017, to read as follows:

577.017. 1. No person, **including the driver of the motor vehicle** shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] **or possess an open alcoholic beverage container in the passenger area of a motor vehicle located on a highway or the right-of-way of a highway.**

2. Any person found guilty of violating the provisions of this section is guilty of an infraction **for which a fine not to exceed twenty-five dollars may be imposed.**

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. **The provisions of this section shall not apply to passengers in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. The provisions of this section shall also not apply to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.**

5. **"Alcoholic beverage" as used in this section includes all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains. The term**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **alcoholic beverage includes beer and wine if they contain one-half of one percent or more**
18 **of alcohol by volume. The term alcoholic beverage shall include "intoxicating liquor" as**
19 **defined in section 311.020, RSMo, and "nonintoxicating beer" as defined in section**
20 **312.010, RSMo.**

21 **6. As used in this section, "passenger area" means the area designed to seat the**
22 **driver and passengers while the motor vehicle is in operation and any area that is readily**
23 **accessible to the driver or a passenger while in their seating positions, including the glove**
24 **compartment.**

25 **7. As used in this section, "open alcoholic beverage container" means any bottle,**
26 **can or other receptacle which:**

27 **(1) Contains any amount of alcoholic beverage, except for a receptacle that contains**
28 **a de minimus amount or which is otherwise empty; and**

29 **(2) Is open or has a broken seal; or**

30 **(3) The contents are partially removed.**